

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

JAMES SHABAZZ,)	
)	CASE NO. 3:16-cv-1769
Plaintiff,)	
)	<u>Removed from:</u>
v.)	
)	Court of Common Pleas Cuyahoga County,
UNITED COLLECTION BUREAU, INC.,)	Ohio
)	
Defendant.)	Case No. 16 864505
)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant United Collection Bureau, Inc. (“UCB”), by its attorneys Tucker Ellis LLP and Troutman Sanders LLP, hereby removes this action, Case No. 16 864505, from the Court of Common Pleas Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio. Removal is proper based on the following grounds:

1. On or about June 9, 2016, Plaintiff James Shabazz (“Plaintiff”), a citizen of Ohio, initiated this action in the Court of Common Pleas Cuyahoga County, Ohio, with the filing of a complaint (the “Complaint”), in Case No. 16 864505. A copy of the Complaint is attached hereto as **Exhibit A**.

2. In the Complaint, Plaintiff alleges that he is entitled to money damages for alleged violations of 47 U.S.C. §§ 227, *et seq.*, the Telephone Consumer Protection Act of 1991 (“TCPA”).

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over “all civil actions arising under the Constitution, laws, or treaties of the United States.”

4. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5. UCB denies the allegations set forth in the Complaint; denies that Plaintiff has stated a claim for relief which may be granted; and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff’s claims are valid, the Complaint originally could have been filed in this Court pursuant to 28 U.S.C. §§ 1331 and 1441(a).

6. Federal question jurisdiction exists over this action because the claims asserted by Plaintiff in the Complaint involve questions that will require resolution of significant, disputed issues arising under federal law. This case qualifies for federal question jurisdiction and is removable because Plaintiff alleges claims under, and requires a ruling on, the TCPA.

7. UCB’s registered agent was served with the Complaint no earlier than June 14, 2016. This Notice of Removal is therefore timely filed within 30 days after UCB’s registered agent was served.

8. As of the date of this removal, the UCB has not filed a responsive pleading to the Complaint. UCB reserves all rights to assert any and all defenses to the Complaint and further reserves the right to amend or supplement this Notice of Removal.

9. A Notice of Filing of Notice of Removal will be filed with the Clerk of the Court of Common Pleas Cuyahoga County. UCB will also promptly give Plaintiff written notice of the

filing of this Notice of Removal. A copy of the Notice of Filing of Notice of Removal, excluding exhibits, is attached hereto as **Exhibit B**.

WHEREFORE, Defendant UCB, by counsel, hereby requests that this action be removed to this Court.

Dated: July 11, 2016

Respectfully submitted,

/s/ Dustin B. Rawlin

Dustin B. Rawlin
Stephanie Rzepka
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113
(216) 592-5000
dustin.rawlin@tuckerellis.com
stephanie.rzepka@tuckerellis.com

Keith J. Barnett (*pro hac application to follow*)
Lindsey B. Mann (*pro hac application to follow*)

TROUTMAN SANDERS LLP
600 Peachtree Street NE, Suite 5200
Atlanta, GA 30308
(404) 885-3000
keith.barnett@troutmansanders.com
lindsey.mann@troutmansanders.com

Ethan G. Ostroff (*pro hac application to follow*)

TROUTMAN SANDERS LLP
222 Central Park Ave., Suite 2000
Virginia Beach, Virginia 23462
(757) 687-7500
ethan.ostroff@troutmansanders.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2016, the foregoing Notice of Removal was filed using the Court's electronic filing system which will send notice to all counsel of record:

Darryl E. Pittman
Darryl E. Pittman Attorneys
2490 Lee Blvd., Suite 115
Cleveland, OH 44118
Telephone: 216-291-1005
Email: dlawgood450@sbcglobal.com

/s/ Dustin B. Rawlin
Dustin B. Rawlin
TUCKER ELLIS LLP

Counsel for Defendant